

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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**CAROL BETH SHINE, as Independent  
Executor of the Estate of David Langley  
Minchen**

**Plaintiff,**

**v.**

**LINCOLN NATIONAL LIFE INSURANCE  
COMPANY and NEW YORK LIFE  
INSURANCE AND ANNUITY CORPORATION**

**Defendants.**

---

**CIVIL ACTION NO. 4:21-cv-00141**

**NOTICE TO ADVERSE PARTY  
OF REMOVAL**

To: Jimmy Walker  
Dinkins Kelly Lenox Lamb & Walker LLP  
2500 East T.C. Jester Blvd., Suite 675  
Houston, Texas 77008  
*Counsel for Plaintiff Carol Shine,  
Independent Executor*

**PLEASE TAKE NOTICE** that Defendant New York Life Insurance and Annuity Corporation (NYLIAC), through its undersigned counsel, and with the consent of Defendant Lincoln National Life Insurance Company, has on the 15th day of January 2021, filed in the office of the Clerk of the United States District Court for the Southern District of Texas, a Notice of Removal of the captioned action from the Probate Court No. 3 of Harris County, Texas to the United States District Court for the Southern District of Texas. A copy of said notice is attached hereto.

**PLEASE TAKE FURTHER NOTICE** that a copy of said notice of removal is being filed with the Probate Court of Harris County Texas.

Dated: January 15, 2021

Respectfully submitted,

By: /s/ Steven D. Seybold

Sinéad O'Carroll

Texas State Bar No. 24013253

Steven D. Seybold

Texas Bar No. 24098409

Southern District Bar No. 3108738

REEVES & BRIGHTWELL LLP

221 W. Sixth St., Suite 1000

Austin, Texas 78701

(512) 334-4500

(512) 334-4492 facsimile

socarroll@reevesbrightwell.com

sseybold@reevesbrightwell.com

*Counsel for Defendant New York Life Insurance  
and Annuity Corporation*

### **CERTIFICATE OF SERVICE**

I do hereby certify that on January 15, 2021, a true and correct copy of the foregoing document was sent via the Court's electronic filing system, electronic mail, and/or regular U.S. Mail to the following parties of record:

Eric T. Bean  
Jimmy Walker  
Dinkins Kelly Lenox Lamb & Walker, L.L.P.  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008-1461

Lincoln National Life Insurance Company  
c/o CSC  
211 East 7<sup>th</sup> St., Suite 620  
Austin, TX 78701-3218

Linda C. Goehrs  
Horrigan & Goehrs, L.L.P.  
1401 Truxillo St.  
Houston, TX 77004

Commission to Every Nation  
815 Jefferson St., Suite 200  
Kerrville, TX 78028

Persecution Project Foundation  
215 N. West St.  
Culpepper, VA 22701

International Messengers  
PO Box 618  
110 Orchard Court  
Clear Lake, IA 50428

International Christian Concern  
2020 Pennsylvania Ave. NW 941  
Washington, DC 20006

Leslie J. Friedlander  
Assistant Attorney General  
Financial Litigation and Charitable  
Trusts Division  
P.O. Box 12548  
Austin, TX 78711-2548

/s/ Steven D. Seybold

Steven D. Seybold

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
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**CAROL BETH SHINE, as Independent  
Executor of the Estate of David Langley  
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**Plaintiff,**

**v.**

**LINCOLN NATIONAL LIFE INSURANCE  
COMPANY and NEW YORK LIFE  
INSURANCE AND ANNUITY CORPORATION**

**Defendants.**

---

**CIVIL ACTION NO. 4:21-cv-00141**

**REMOVAL OF CIVIL ACTION**

**NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S  
NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant, New York Life Insurance and Annuity Corporation ("NYLIAC"), through its undersigned counsel, and with the consent of Defendant, Lincoln National Life Insurance Company ("Lincoln"), pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully notices the removal of the captioned action to the United States District Court for the Southern District of Texas from the Probate Court No. 3 of Harris County Texas. The grounds for removal are as follows:

1. Upon information and belief, on or about December 21, 2020, Plaintiff Carol Beth Shine ("Plaintiff"), as executor of the Estate of David Langley Minchen ("Estate"), filed a complaint in Probate Court No. 3 of Harris County, Texas Chancery captioned, *Carol Beth Shine, as Independent Executor of the Estate of David Langley Minchen v. Lincoln National Life Insurance Company & New York Life Insurance and Annuity Corporation*, bearing case number 485,451-401 (the "State Court Action"). The Complaint alleges that the Plaintiff is entitled to the proceeds of Annuity Account No. 53 214 058 and Annuity Account No. 53 275 308 issued by NYLIAC and due as a result of the death of David Langley Minchen (the "Insured") and seeks

declaratory relief that the Estate is the sole beneficiary of the NYLIAC Annuities. A copy of the Summons and Complaint was first received by NYLIAC, through an authorized agent of process, on December 28, 2020, and is annexed hereto as **Exhibit A**, together with the remainder of the State Court Action file, in accordance with 28 U.S.C. § 1446(a).

2. Upon information and belief, Plaintiff was at the time the action was commenced and currently is, a citizen of Texas and the Estate of David Langley Minchen has been probated in Harris County, Texas.

3. NYLIAC is an insurance company organized and existing under the laws of the State of Delaware with its principal place of business in New York. NYLIAC is therefore a citizen of Delaware and New York and has been at all times since the State Court Action was commenced.

4. Lincoln is an insurance company organized and existing under the law of State of Indiana with its principal place of business in Pennsylvania. Lincoln is therefore a citizen of Indiana and Pennsylvania has been at all times since the State Court Action was commenced.

5. The State Court Action is subject to removal pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332 (diversity jurisdiction), because the parties are of diverse citizenship and the amount of controversy exceeds \$75,000.00. NYLIAC is a New York and Delaware citizen, Lincoln is an Indiana citizen and Pennsylvania for diversity purposes and the Plaintiff is a citizen of Texas. As Plaintiff seeks costs from NYLIAC in the total amount of \$800,000, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

6. The probate exception to federal jurisdiction does not apply because State Court Action seeks relief regarding the rightful beneficiary and distribution of Annuity proceeds, which are not part of the Estate. *See Fluker v. Anderson*, 2008 WL 115103 (S.D. TX January 10, 2008).

As such, this Court would not “assume general jurisdiction of the probate or control of the property in the custody of the state court.” *Markham v. Allen*, 326 U.S. 490, 494 (1946).

7. The timing requirements of 28 U.S.C. § 1446(b) have been satisfied in that this Notice of Removal has been filed with this Court within thirty (30) days after service of the Summons and Complaint on NYLIAC. The time for filing this Notice of Removal has not expired under 28 U.S.C. § 1446(b).

8. The United States District Court for the Southern District of Texas is the appropriate court to which this action should be removed because this district is the district embracing actions filed in the Probate Court No.3 of Harris County, Texas.

9. A true and correct copy of this Notice of Removal is being served upon the Plaintiff required by law under 28 U.S.C. § 1446(d).

10. A true and correct copy of this Notice of Removal is also being filed promptly with the Probate Court No. 3, Harris County, Texas, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, NYLIAC hereby removes this action, currently pending in the Probate Court No. 3, Harris County, Texas to the United States District Court for the Southern District of Texas.

Dated: January 15, 2021

Respectfully submitted,

By: /s/ Steven D. Seybold

Sinéad O'Carroll

Texas State Bar No. 24013253

Steven D. Seybold

Texas Bar No. 24098409

Southern District Bar No. 3108738

REEVES & BRIGHTWELL LLP

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*Counsel for Defendant New York Life Insurance  
and Annuity Corporation*

### **CERTIFICATE OF SERVICE**

I do hereby certify that on January 15, 2021, a true and correct copy of the foregoing document was sent via the Court's electronic filing system, electronic mail, and/or regular U.S. Mail to the following parties of record:

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Jimmy Walker  
Dinkins Kelly Lenox Lamb & Walker, L.L.P.  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008-1461

Lincoln National Life Insurance Company  
c/o CSC  
211 East 7<sup>th</sup> St., Suite 620  
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Linda C. Goehrs  
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International Messengers  
PO Box 618  
110 Orchard Court  
Clear Lake, IA 50428

International Christian Concern  
2020 Pennsylvania Ave. NW 941  
Washington, DC 20006

Leslie J. Friedlander  
Assistant Attorney General  
Financial Litigation and Charitable  
Trusts Division  
P.O. Box 12548  
Austin, TX 78711-2548

/s/ Steven D. Seybold

Steven D. Seybold



# EXHIBIT A

# Probate

Case Number

Court

All

Status

-All

File Date (From)

MM/DD/YYYY

File Date (To)

MM/DD/YYYY

SEARCH

CLEAR

☒ Party ☐ Attorney ☐ Company

Last Name

Minchen

First Name

David

Bar Card Number

File Date (From)

MM/DD/YYYY

File Date (To)

MM/DD/YYYY

SEARCH

CLEAR

10 Record(s) Found.

Case	File Date	Type Desc	Subtype	Style	Status	Judge	Court	
485451-401	12/21/2020	ALL OTHER MATTERS (INDEPENDENT ADMINISTRATION)	MOTIONS PERTAINING TO LAWSUITS ONLY (INDEP.)	IN THE ESTATE OF: DAVID LANGLEY MINCHEN, DECEASED	Open	JERRY SIMONEAUX	1	F
Event Date	Event Desc	Comments				Pgs		
01/08/2021	Answer	Servant Group International				2021-01-08 Servant		

	General Denial	Group International General Denial	3
01/06/2021	Letter	Attorney General's Notify Letter	1
12/22/2020	Lawsuit Personal - Cert Mail	International Christian Concern, 2020 Pennsylvania Avenue, NW 941, Washington, D.C. 20006.	1
12/22/2020	Lawsuit Personal - Cert Mail	Persecution Project Foundation, 215 N. West Street, Culpepper, Virginia 22701	1
12/22/2020	Lawsuit Personal - Cert Mail	Commission to Every Nation, 815 Jefferson Street, Suite 200, Kerrville, Texas 78028	1
12/22/2020	Lawsuit Personal - Cert Mail	International Messengers, 110 Orchard Court, Clear Lake, Iowa 50428	1
12/22/2020	Lawsuit Personal - Cert Mail	Servant Group International, 506 Tanksley Avenue, Nashville, Tennessee 37211	1
12/22/2020	Lawsuit Personal - Cert Mail	New York Life Insurance and Annuity Corporation, c/o CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136	1
12/22/2020	Lawsuit Personal - Cert Mail	Lincoln National Life Insurance Company, c/o Corporation Service Company, 211 East 7th Street, Suite 620 Austin, Texas 78701-3218	1
12/21/2020	eFile Original Petition	7 Per by Cert Mail (view attachment)	7
		Letter requesting service of original Petition - Minchen.pdf	2

NO. 485,451-401

IN THE ESTATE OF	§	IN PROBATE COURT NO. 3
	§	
DAVID LANGLEY MINCHEN,	§	OF
	§	
DECEASED	§	HARRIS COUNTY, TEXAS

CAROL BETH SHINE, as INDEPENDENT §	
EXECUTOR of the ESTATE OF DAVID §	7 Pers by Cert
LANGLEY MINCHEN, <i>Plaintiff</i> §	12/22/2020
v. §	
LINCOLN NATIONAL LIFE §	
INSURANCE COMPANY §	
& §	
NEW YORK LIFE INSURANCE AND §	
ANNUITY CORPORATION §	
<i>Defendants</i> §	

**ORIGINAL PETITION**

Plaintiff Carol Beth Shine, Independent Executor of the Estate of David Langley Minchen, submits this Original Petition and shows as follows:

### Discovery Level

1. Shine intends to conduct discovery under Level 2. This suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because Shine seeks non-monetary relief and monetary relief in excess of \$100,000.

## Relief Sought

2. The damages sought are within the jurisdictional limits of this Court. Shine seeks more than \$1 million in monetary relief.

## **Jurisdiction & Venue**

3. This Court has jurisdiction because this is a probate proceeding related to a decedent's estate. *See* Tex. Estates Code §§ 22.029, 32.005, 32.006.

4. Venue is proper in Harris County because the estate is pending in this statutory probate court. *See* Tex. Estates Code § 33.002.

## **Parties**

5. Plaintiff is Carol Beth Shine, Independent Executor of the Estate of David Langley Minchen, Deceased.

6. Defendant Lincoln National Life Insurance Company is an Indiana corporation and can be served with process through its registered agent for service of process: Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.

7. Defendant New York Life Insurance and Annuity Corporation is a Delaware corporation and can be served with process through its registered agent for service of process: CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

8. Interested party Servant Group International is a nonprofit organization based in Nashville, Tennessee located at the following address: 506 Tanksley Avenue, Nashville, Tennessee 37211.

9. Interested party Commission to Every Nation is located at 815 Jefferson Street, Suite 200, Kerrville, Texas 78028

10. Interested party Persecution Project Foundation is located at 215 N. West Street, Culpepper, Virginia 22701.

11. Interested party International Messengers is located at 110 Orchard Court, PO Box 618, Clear Lake, Iowa 50428.

12. Interested party International Christian Concern is located at 2020 Pennsylvania Avenue NW 941, Washington, D.C. 20006.

13. The interested parties identified above are referred to in this pleading as the Charities.

#### **Facts**

14. David Minchen was issued an Annuity from New York Life Insurance and Annuity Corporation on April 21, 2015 (Account No. 53214058). David purchased another Annuity from New York Life Insurance and Annuity Corporation on January 26, 2017 (Account No. 53275308). Collectively, these annuities are referred to as the New York Life Annuities.

15. With respect to the New York Life Annuities, a "Fidelity Charitable Account" or "Fidelity Charitable Gift Fund," Account No. xxx2979, appears to have been named as the primary beneficiary. The Executor has not found any records of that account or fund in David's records. It is believed that the account or fund no longer exists.

16. David was issued a Lincoln Level Advantage B-Class Indexed Variable Annuity on August 20, 2018, Contract Number xx-xxxx0613 (the Lincoln Annuity). His Estate was designated as the sole, 100% beneficiary.

17. Despite the fact that David was in his mid to late seventies when he purchased the annuities with the bulk of his retirement savings (over \$2 million), the annuities all had maturity dates far into the future.

18. David began to experience a cognitive decline in 2018. In notes dated December 19, 2018, David's neurologist describes a one-year history of progressive short-term memory difficulties and diagnoses David with mild dementia. Indeed, medical notes dating as far back as August 2018 describe "cognitive changes" and "memory deficits." David himself complained of mental foggiess and decreased mental focus.

19. Around this time, in a December 2018 email, representatives from Wells Fargo communicated with each other about changing the beneficiaries of the annuities to several charities. This email also describes communications with David's church, Second Baptist Church in Houston, Texas.

20. In notes dated February 11, 2019, David's neurologist describes David's condition as consistent with "mild dementia most likely early Alzheimer's" and recommends starting David on Aricept and eventually Namenda.

21. On March 27, 2019, Lincoln acknowledges that the beneficiaries on the Lincoln Annuity were changed to the Charities.

22. On July 23, 2019, New York Life confirms that the beneficiaries on the two New York Life Annuities were changed to the Charities.

23. David's mental decline continued through 2019. He presented to a Dr. Lassek-Nesselquist with impaired insight and judgment. Adult Protective Services confirmed a finding of self-neglect. And a report by his neurologist described David as

“disorganized in thought” and “unable to directly answer questions.” The neurologist diagnosed David with a “Major Neurocognitive Disorder.”

24. In a letter dated December 6, 2019, Dr. Priyanka Bhugra wrote that David did not have the capacity to make informed decisions regarding his healthcare due to his progressive dementia.

25. In March 2020, Carole Shine, David’s sister, applied for a guardianship of David’s person and estate. The court-appointed investigator confirmed in her report the need for a guardianship.

26. David died on May 20, 2020.

#### **Lack of Requisite Mental Capacity**

27. David had been suffering steadily declining mental status from 2018 through 2019. At the time he changed the beneficiaries on the Lincoln Annuity and the New York Life Annuities, David did not have the requisite mental capacity to comprehend the consequences of his actions and business he was transacting. Therefore, with respect to the annuities, the changes of beneficiary that occurred on March 27, 2019 and July 23, 2019 are void.

#### **Undue Influence**

28. Alternatively, the 2019 changes of beneficiary were the product of undue influence.



29. At the time David allegedly changed the beneficiaries, he had been diagnosed with dementia of the Alzheimer's type and was therefore susceptible to the influence of others.

30. At the time the beneficiaries on the Lincoln Annuity and the New York Life Annuities were changed, an influence was exerted that undermined or overpowered David's mind.

31. David would not have changed the beneficiaries but for the influence that was exerted.

#### **Conditions Precedent**

32. All conditions precedent have been performed or have occurred.

#### **Prayer**

33. Accordingly, the Executor asks the Court to:

- a. With respect to the Lincoln Annuity, declare that the beneficiary designation dated March 27, 2019, naming the charities, is invalid due to David's lack of mental capacity.
- b. With respect to the Lincoln Annuity, declare that the beneficiary designation dated March 27, 2019, naming the charities, is invalid due to undue influence;
- c. With respect to the New York Life Annuities, declare that the beneficiary designation naming the charities, is invalid due to David's lack of mental capacity;
- d. With respect to the New York Life Annuities, declare that the beneficiary designation naming the charities, is invalid due to undue influence;

- e. Rescind the invalid beneficiary designations and declare that the Estate of David Minchen is the sole beneficiary of the Lincoln Annuity and the New York Life Annuities; and
- f. Award the Executor all other relief to which she shows herself entitled and the Court deems appropriate.

Respectfully submitted,

DINKINS KELLY LENOX LAMB  
& WALKER, L.L.P.

By: /s/ Jimmy Walker

Jimmy Walker  
State Bar No. 00786323  
jwalker@dinkinslaw.com  
Eric T. Bean  
State Bar No. 24087152  
ebean@dinkinslaw.com  
2500 East T.C. Jester Blvd., Suite 675  
Houston, Texas 77008-1461  
(713) 759-0900  
(713) 759-9549 (Facsimile)

ATTORNEYS FOR CAROLE SHINE,  
Independent Executor

**DINKINS KELLY LENOX LAMB & WALKER, L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

2500 EAST T.C. JESTER BOULEVARD

SUITE 675

HOUSTON, TEXAS 77008-1461

Eric T. Bean  
Associate

Direct Dial (713) 259-7027  
ebean@dinkinslaw.com

(713) 759-0900  
FACSIMILE (713) 759-9549

7 Pers by Cert

December 21, 2020

12/22/20

Via E-Filing

Ms. Teneshia Hudspeth  
Harris County Clerk  
201 Caroline, 8<sup>th</sup> Floor  
Houston, TX 77002

Re: Cause No. 485,451- 401; *In Re: Estate of David Langley Minchen, Deceased*; In Probate Court No. 3 of Harris County, Texas

Dear Ms. Hudspeth:

Please issue citations and serve the Original Petition by **certified mail** to the following:

Lincoln National Life Insurance Company  
c/o Corporation Service Company  
211 East 7<sup>th</sup> Street, Suite 620  
Austin, Texas 78701-3218

New York Life Insurance and Annuity Corporation  
c/o CT Corporation  
1999 Bryan Street, Suite 900  
Dallas, TX 75201-3136

Servant Group International  
506 Tanksley Avenue  
Nashville, Tennessee 37211

Commission to Every Nation  
815 Jefferson Street, Suite 200  
Kerrville, Texas 78028

Persecution Project Foundation  
215 N. West Street  
Culpepper, Virginia 22701

International Messengers  
110 Orchard Court  
P.O. Box 618  
Clear Lake, Iowa 50428

spoke to Mr. Bean send to physical address  
12/22/2020 @ 2:15 pm

International Christian Concern  
2020 Pennsylvania Avenue NW 941  
Washington, D.C. 20006

We are paying your fees for this service through the state's efilng system.

Thank you for your assistance in this matter.

Sincerely,

*Eric T. Bean*

Eric T. Bean



**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

**County Probate Court No. 3**

**PERSONAL CITATION**

The State of Texas	{	<b>Docket No. 485451-401</b>	Receipt No. Certified Mail
	{		
County of Harris	{	<b>In the Estate of: David Langley Minchen, Deceased</b>	

Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: Commission to Every Nation, 815 Jefferson Street, Suite 200, Kerrville, Texas 78028.**

Greetings:

You are hereby commanded to appear by filing a written contest or answer on said **Original Petition** filed **December 21, 2020**, (hereto attached) before the Honorable County Probate Court No. 3 (Three), of Harris County, Texas, Civil Courthouse, 201 Caroline, Houston, Texas on or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, by filing it with the Probate Clerk, Civil Courthouse, 201 Caroline, Room 800, Houston, Texas, or mailing to P.O. Box 1525, Houston, Texas 77251-1525.

**NOTICE: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."**

Issued and given under my hand of said court, at Houston, Texas, on this the 22nd day of December, 2020.

(SEAL)

Teneshia Hudspeth, County Clerk  
County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

\_\_\_\_\_  
Consuelo Arroyo  
Deputy County Clerk

Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008  
713-759-0900

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-8585

[www.cclerk.hctx.net](http://www.cclerk.hctx.net)



**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

**County Probate Court No. 3**

### PERSONAL CITATION

The State of Texas

Docket No. 485451-401

Receipt No. Certified Mail

County of Harris

**In the Estate of: David Langley Minchen, Deceased**

Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

**YS.**

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: International Christian Concern, 2020 Pennsylvania Avenue, NW 941, Washington, D.C. 20006.**

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(SEAL)

Teneshia Hudspeth, County Clerk  
County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

Consuelo Arroyo  
Deputy County Clerk

Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008  
713-759-0900

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-8585

[www.cclerk.hctx.net](http://www.cclerk.hctx.net)



**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

**County Probate Court No. 3**

**PERSONAL CITATION**

The State of Texas	{	Docket No. 485451-401	Receipt No. Certified Mail
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Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: International Messengers, 110 Orchard Court, Clear Lake, Iowa 50428.**

Greetings:

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Issued and given under my hand of said court, at Houston, Texas, on this the 22nd day of December, 2020.

(SEAL)

Teneshia Hudspeth, County Clerk  
County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

\_\_\_\_\_  
Consuelo Arroyo  
Deputy County Clerk

Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008  
713-759-0900

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-8585

[www.cclerk.hctx.net](http://www.cclerk.hctx.net)



**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

County Probate Court No. 3

**PERSONAL CITATION**

The State of Texas                    {            **Docket No. 485451-401**                    Receipt No.    Certified Mail  
   {  
County of Harris                    {            **In the Estate of: David Langley Minchen, Deceased**

Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: Lincoln National Life Insurance Company, c/o Corporation Service Company, 211 East 7th Street, Suite 620  
Austin, Texas 78701-3218.**

Greetings:

You are hereby commanded to appear by filing a written contest or answer on said **Original Petition** filed **December 21, 2020**, (hereto attached) before the Honorable County Probate Court No. 3 (Three), of Harris County, Texas, Civil Courthouse, 201 Caroline, Houston, Texas on or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, by filing it with the Probate Clerk, Civil Courthouse, 201 Caroline, Room 800, Houston, Texas, or mailing to P.O. Box 1525, Houston, Texas 77251-1525.

**NOTICE: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."**

Issued and given under my hand of said court, at Houston, Texas, on this the 22nd day of December, 2020.

(SEAL)

Teneshia Hudspeth, County Clerk  
County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

\_\_\_\_\_  
Consuelo Arroyo  
Deputy County Clerk

Attorney:            Jimmy Walker  
                          2500 East T.C. Jester Blvd., Suite 675  
                          Houston, TX 77008  
                          713-759-0900

P.O. Box 1525 ● Houston, TX 77251-1525 ● (713) 274-8585

www.cclerk.hctx.net





**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

**County Probate Court No. 3**

**PERSONAL CITATION**

The State of Texas	{	Docket No. 485451-401	Receipt No. Certified Mail
County of Harris	{	In the Estate of: David Langley Minchen, Deceased	

Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: New York Life Insurance and Annuity Corporation, c/o CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.**

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Consuelo Arroyo  
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Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008  
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The State of Texas { **Docket No. 485451-401** Receipt No. Certified Mail  
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Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: Persecution Project Foundation, 215 N. West Street, Culpepper, Virginia 22701.**

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Issued and given under my hand of said court, at Houston, Texas, on this the 22nd day of December, 2020.

(SEAL)

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County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

\_\_\_\_\_  
Consuelo Arroyo  
Deputy County Clerk

Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
Houston, TX 77008  
713-759-0900

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**Teneshia Hudspeth**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
PROBATE COURTS DEPARTMENT

**County Probate Court No. 3**

**PERSONAL CITATION**

The State of Texas	{	Docket No. 485451-401	Receipt No. Certified Mail
	{		
County of Harris	{	In the Estate of: David Langley Minchen, Deceased	

Carol Beth Shine, as Independent Executor  
of the Estate of David Langley Minchen,  
Plaintiff

vs.

Lincoln National Life Insurance Company &  
New York Life Insurance and Annuity Corporation,  
Defendants

**TO: Servant Group International, 506 Tanksley Avenue, Nashville, Tennessee 37211.**

Greetings:

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(SEAL)

Teneshia Hudspeth, County Clerk  
County Probate Court No. 3  
201 Caroline, Room 800  
Harris County, Texas 77002

\_\_\_\_\_  
Consuelo Arroyo  
Deputy County Clerk

Attorney: Jimmy Walker  
2500 East T.C. Jester Blvd., Suite 675  
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713-759-0900

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[www.cclerk.hctx.net](http://www.cclerk.hctx.net)



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS  
January 6, 2021

FILED  
1/6/2021 3:09 PM  
Teneshia Hudspeth  
County Clerk  
Harris County - County Probate Court No. 1  
Accepted By: JH

Teneshia Hudspeth  
Harris County Clerk  
P.O. Box 1525  
Houston, TX 77251

RE: Cause No. 485451-401; *In the Estate of David Langley Minchen, Deceased; Carol Beth Shine, as Independent Executor of the Estate of David Langley Minchen v. Lincoln National Life Insurance Company & New York Life Insurance and Annuity Corporation*; In the Probate Court No. 1 of Harris County, Texas

Dear Ms. Hudspeth:

This office has been given notice of the above-referenced proceeding involving a charitable trust pursuant to Chapter 123 of the Texas Property Code. The Attorney General is a proper party to such action and may intervene on behalf of the public's interest in charity. I am currently reviewing the documents provided in the proceeding to determine if Attorney General participation is warranted.

Please add me to distribution of certificate of service lists for this matter and provide reasonable notice of any hearings that are scheduled. In addition, please contact me if there is a particular need for an expedited decision on the part of the Attorney General.

Sincerely,

/s/ Leslie J. Friedlander

Leslie J. Friedlander  
Assistant Attorney General  
State Bar No. 24059164  
Financial Litigation and Charitable Trusts Division  
(512) 463-3085 - Direct Line  
(512) 477-2348 - Fax  
leslie.friedlander@oag.texas.gov

cc: Jimmy Walker  
Eric Bean  
DINKINS KELLY LENOX LAMB & WALKER, LLP  
2500 E. T.C. Jester Blvd., Ste. 675  
Houston, TX 77008  
jwalker@kinkinslaw.com  
ebean@kinkinslaw.com

No. 485451-401

ESTATE OF	§	IN THE PROBATE COURT
	§	
DAVID LANGLEY MINCHEN,	§	NUMBER THREE (3) OF
	§	
DECEASED	§	HARRIS COUNTY, TEXAS

---

CAROL BETH SHINE, in her capacity of  
Independent Executor of the ESTATE OF  
DAVID LANGLEY MINCHEN,  
*Plaintiff*

v.

LINCOLN NATIONAL LIFE INSURANCE  
COMPANY & NEW YORK LIFE  
INSURANCE AND ANNUITY  
CORPORATION,  
*Defendants*

**GENERAL DENIAL**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, SERVANT GROUP INTERNATIONAL and respectfully files this General Denial in the above-styled and number cause in response to Plaintiff's Original Petition, and in support thereof would respectfully show the Court the following:

**I.  
GENERAL DENIAL**

1. SERVANT GROUP INTERNATIONAL invokes Rule 92 of the Texas Rules of Civil Procedure and puts in issue each and every, all and singular, the allegations contained in all other pleadings, applications, and/or motions filed in this matter. SERVANT GROUP INTERNATIONAL demands strict proof thereof as required by law.

2. SERVANT GROUP INTERNATIONAL reserves the right to file an amended Answer in this cause in the manner authorized by the Texas Rules of Civil Procedure.

**II.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, SERVICE GROUP INTERNATIONAL prays that: (i) Plaintiff provides strict proof as required by law before any judgment is entered in Plaintiff's favor; that (ii) SERVICE GROUP INTERNATIONAL be awarded its reasonable and necessary attorney's fees and expenses incurred in responding to Plaintiff's Original Petition; and (iii) for such other and further relief, both general and special, at law and in equity, to which this Court may deem proper.

Respectfully Submitted,

**HORRIGAN GOEHRS  
EDWARDS & CULP, L.L.P.**

By: /s/ Linda C. Goehrs

**LINDA C. GOEHRS**  
**State Bar No. 08059220**  
[linda@hgprobate.com](mailto:linda@hgprobate.com)  
1401 Truxillo Street  
Houston, Texas 77004  
(713) 659-4200  
(713) 659-3804 (Facsimile)

**ATTORNEYS FOR SERVANT GROUP INTERNATIONAL**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served by personal hand delivery, telephonic document transfer, electronic filing, or certified mail return receipt requested, this 8th day of January 2021 on the following:

Jimmy Walker  
2500 East T.C. Jester Boulevard, Suite 675  
Houston, Texas 77008  
(713) 759-0900

/s/ Linda C. Goehrs